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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE 1151st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 March 1996, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Draft concluding observations concerning the eleventh and twelfth periodic reports of Finland (continued)

Paragraph 11

1. The CHAIRMAN, responding to a concern expressed by Mr. WOLFRUM over the use of the term "land ownership", suggested that it could be replaced by "land rights".

2. Mr. WOLFRUM, expanding on a point raised by Mr. DIACONU, said that the term "property rights" was too weak and did not cover Saami people who did not necessarily work on the land, such as fishermen.

3. The CHAIRMAN suggested that the text should be amended to read "...threatening the way of life of Saamis".

Paragraph 12

4. The CHAIRMAN said that the Saami people had objected to Finland's broad criteria of eligibility to stand for Parliament, which would extend to persons who were no longer part of the Saami community. That was a more serious problem than the question whether the Saami people could participate in parliamentary proceedings in their own language.

5. Mr. WOLFRUM pointed out that there were three different Saami languages in Finland and that, as members of one Saami language group could not understand the language of the other groups, their common language was Finnish. The wording of the paragraph was sufficiently vague to cover the three Saami languages.

6. The CHAIRMAN suggested that "in their own language" should be replaced by "in their mother tongue". Further consideration of the paragraph would take place when the Country Rapporteur could be present.

Paragraph 13

7. The CHAIRMAN said that the Committee had used the term "Romany minority" because it was acceptable in Finland. However, the text should be amended to read: "The difficulties which the Romany minority continue to experience in exercising their rights are a matter of concern. The high rate at which Romany children drop out from school is also cause for concern."

Paragraph 15

8. Mr. SHERIFIS suggested that "active distribution" should be replaced by "wide distribution".

9. Mr. van BOVEN pointed out that Swedish was also an official language in Finland. Consequently "in Finnish" should be replaced by "in Finland" and "in the Finnish language" should be deleted.

Paragraph 16

10. Mr. VALENCIA RODRIGUEZ said that the reference to the "spirit" of the Convention was superfluous.

11. The CHAIRMAN suggested rewording the final sentence to read: "Concern is likewise expressed over the criteria employed in granting residence permits to foreigners."

Paragraph 17

12. Mr. SHERIFIS said that he objected to the specific mention of "Somali men". The paragraph should end with the words "labour market".

Paragraph 18

13. The CHAIRMAN suggested that the term "prison officers" should be substituted for "incarceration authorities". The text should also stress the "concern expressed over the training of law enforcement officials in the protection of human rights in the light of the Committee's general recommendation XIII".

Paragraph 19

14. The CHAIRMAN, responding to a comment by Mr. GARVALOV, suggested that the text should be amended to read: "Another matter of concern is the denial of access to public places for some persons on the basis of their ethnic or national origin", which was closer to the wording of article 5 of the Convention.

Paragraph 20

15. The CHAIRMAN suggested that the text could be improved by a reference to "legislation which clearly prohibits and punishes actions of racism and organizations that promote and incite such discrimination".

Paragraph 21

16. Mr. AHMADU said that the recommendation should do more than simply ask for the Convention to be "considered".

17. Mr. DIACONU said that the word "principles" should be deleted.

18. The CHAIRMAN, responding to a suggestion by Mr. SHERIFIS, said that the paragraph should be amended to read: "The Committee recommends that in the course of the constitutional and penal reforms related to racial discrimination the provisions of the Convention be fully reflected".

19. Mr. DIACONU said that the reforms being implemented were not necessarily related only to racial discrimination and that the Committee should simply ask that the provisions of the Convention be reflected in the Constitution.

20. Mr. AHMADU said that the Committee should consider recommending that other conventions be incorporated in the new Constitution.

21. Mr. van BOVEN suggested that the words "related to" should be replaced by "having a bearing on".

22. Mr. GARVALOV thought that paragraph 21 could be deleted.

23. The CHAIRMAN said that the general feeling seemed to be that paragraph 21 should be retained; he suggested that the words "fully considered" could be replaced by "more fully reflected".

Paragraph 22

24. The CHAIRMAN suggested that paragraph 22 might be deleted.

Paragraph 23

25. Mr. DIACONU proposed that "ethnic minorities" should be expanded to read "persons belonging to ethnic minorities".

26. The CHAIRMAN said that the word "guarantee" should be replaced by "ensure".

27. Mr. de GOUTTES proposed an additional sentence to the effect that detailed information on complaints and sentencing regarding acts of racial discrimination would also be useful.

Paragraph 24

28. The CHAIRMAN felt that the word "ownership" should be replaced by "rights".

29. Mr. DIACONU proposed that the words "property rights" should be replaced by "way of life".

30. Mr. GARVALOV proposed that the second sentence, which recommended ratification of ILO Convention No. 169, should be deleted.

31. Mr. van BOVEN felt that a reference to that Convention should be retained, either in that paragraph or elsewhere.

Paragraph 25

32. The CHAIRMAN suggested that the words "native language" should be replaced by "mother tongue".

33. Mr. YUTZIS said that the Committee should keep in mind the Government's contention that financial constraints prevented it from giving full effect to all the Saami people's rights.

34. The CHAIRMAN said that, before the Committee could pursue that point, it would need details of the legislation which set forth those rights.

35. Mr. DIACONU said that he had some difficulty with the phrase "devote all of its political will".

36. The CHAIRMAN said that the Committee would resume consideration of the draft concluding observations concerning Finland at its next meeting.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

37. The CHAIRMAN welcomed Mr. Fall, Assistant Secretary-General for Human Rights, and took the opportunity to raise a number of points of concern to the Committee.

38. The Committee, in its work, accorded top priority to the consideration of reports, comments and information submitted by States parties under article 9 of the Convention, and to the drafting of its concluding observations. That task was extremely time-consuming, especially in view of the growing number of submissions. The Committee's second priority was the prevention of racial discrimination, including early-warning and urgent procedures; that, too, was time-consuming. The Committee would, of course, have a role to play in the activities relating to the Third Decade to Combat Racism and Racial Discrimination. However, since those activities were bound to be affected by the current financial constraints, the Committee wished to take up a number of matters with the Centre, including suggestions for improvements to the existing draft model legislation. He invited Mr. Fall to share his thoughts on how the Committee would fit into the overall pattern of activities for the Decade.

39. Mr. FALL (Assistant Secretary-General for Human Rights) congratulated the Committee on its sterling work. The Committee's experience and innovative approach placed it at the forefront of the human rights treaty bodies, and its accomplishments had brought honour to the Organization.

40. Turning first to the question of programming, he said that the rapid pace of developments on the world scene called for constant adjustment and updating. The General Assembly, at its fiftieth session, had adopted a resolution urging the Secretary-General to submit proposals for strengthening the Programme of Action for the Third Decade. Any contribution to those proposals by the Committee would be welcomed, the more so since the elimination of racial discrimination was to be given priority consideration by the General Assembly at its fifty-first session.

41. The constraints affecting the Third Decade were exemplified by the current level of funding - a mere $76,000. The financial crisis had obliged the General Assembly to make deep cuts in the budget, and the Secretary-General had been called upon to achieve savings of some $150 million, including $2.7 million off the budget of the Centre for

Human Rights - a situation which was bound to affect the activities of the human rights treaty bodies. The current regular budget deficit stood at between $3.4 and $3.5 billion; it was true that over 50 Member States had paid their contributions since the beginning of 1996, but the limited size of most payments had not greatly alleviated the problem, and the Secretary-General had been obliged to borrow from the peace-keeping budget. The situation was so grave that it might even be necessary to contemplate a temporary closure of the Secretariat.

42. The Decade was, of course, funded by voluntary contributions, which were less predictable than regular contributions. Since it was almost always the same relatively few States that donated funds for the various Decades and other causes such as peace-keeping and refugees, there was an obvious risk of donor fatigue. The General Assembly had warned, in the resolution already mentioned, that few activities could be maintained unless additional resources were forthcoming. The human rights secretariat was willing to undertake fund-raising efforts, but could approach only a limited number of States for that purpose. A meeting had been held in 1995 to consider possible areas for cooperation by all bodies - including the Committee - involved in activities for the Third Decade, and the Centre for Human Rights was ready to discuss further the role the Committee could play in that regard.

43. Replying to an observation by the CHAIRMAN, he said that he looked on the secretariat as an integral part of the Committee. Discussions between the Committee and the secretariat were therefore to be regarded as internal deliberations warranting the closed procedure. He acknowledged the Committee's major role in the campaign against racism and racial discrimination, particularly its "preventive diplomacy" approach, which deserved the secretariat's fullest possible support.

44. The World Conference on Human Rights had given priority to the universal ratification of the main international human rights instruments. Consciousness-raising among Member States would help to secure such ratification, and the Committee could make an important contribution to that task. The Centre had already considered the possibility of updating some of the relevant fact-sheets.

45. With regard to the restructuring process, on which the secretariat was to submit a report to the General Assembly at the end of the month, one major focus of concern was the strengthening of conventional activities. The Centre's current structure included the International Instruments, Communications and Special Procedures Branches. Perhaps, through rationalization, the communications received in respect of the treaty bodies could be included under conventional activities, while the others, which related mainly to procedures under Economic and Social Council resolution 1503 (XLVIII), could be treated as a component of extra-conventional activities.

46. Another topic for consideration concerned the special rapporteurs: the Special Rapporteur on contemporary forms of racism, for example, was provided with secretariat services by the Legislation and Prevention of Discrimination

Branch. Consideration was being given to establishing a branch on extra-conventional activities, as part of the restructuring process, to cover all special rapporteur activities.

47. He would be pleased to provide the Committee with any further information it required, either at the current meeting or subsequently.

48. The CHAIRMAN said that the Committee wished to have a clear indication of the units to which its particular concerns could be addressed. In that connection, Mr. de Gouttes had agreed to act as coordinator for members' questions.

49. Mr. de GOUTTES said that one of the Committee's priorities was to expand its contacts with other United Nations and regional bodies engaged in combating racial and ethnic discrimination. Such expanded contacts might also involve reciprocal missions, and he wondered what help the Committee could expect from the Centre for Human Rights in that regard.

50. Mr. GARVALOV said that the financial crisis weighed heavily on any hopes the Committee might have had of expanding its activities. He endorsed Mr. de Gouttes' comments about the importance of the early-warning and urgent procedures. Some ground had been covered, but much remained to be done and support was needed from the United Nations Secretariat and the community of Member States. A suggestion he had made at a meeting of persons chairing the human rights treaty bodies, to the effect that some kind of analytical unit might be established to examine the treaty bodies' reports and suggestions concerning early warning and urgent action was still relevant. Some evolving situations, such as the one in Bosnia and Herzegovina, called for continued vigilance. The acknowledged expertise of the Committee could be helpful to the Assistant Secretary-General as head of the Centre for Human Rights, to other United Nations bodies and organizations and, indeed, to the Security Council. Closer cooperation was needed with other human rights bodies within the United Nations, including the Sub-Commission on Prevention of Discrimination and Protection of Minorities. By pooling their ample reserves of expertise and identifying some of the main human rights issues warranting cooperation, they could put pressure on United Nations policy-making bodies that had the means of taking binding decisions.

51. Mr. WOLFRUM said that the disturbing financial context made members somewhat reluctant to suggest new initiatives and forms of cooperation. One possible form of cooperation at minimal cost would be for the Advisory Services, Technical Assistance and Information Branch not only to provide information to the Committee as in the past, but to request and draw on the Committee's own expertise in disseminating additional information on particular issues. The Committee had, for instance, decided to set up a working group on Rwanda and Burundi to draw up suggestions for principles to be taken into account in a new constitution for Rwanda. Mutually beneficial cooperation between the Committee and the Centre for Human Rights might also be established in the area of post-conflict consolidation of human rights.

52. Mr. FALL (Assistant Secretary-General for Human Rights) said that his intention in referring to the financial crisis had not been to dampen the Committee's ardour in combating racial discrimination, but to give a clear

picture of the current situation as a background to activities that could effectively be carried out. In response to an earlier comment about the Committee's difficulty in completing its work within the sessional time available, he said that the rising number of States parties to the Convention and the reporting system were factors in the increased workload. Member States attached great importance to the Committee's work and would undoubtedly be sympathetic to a request by the Committee that they might consider increasing the number of sessions, financial constraints permitting. He assured the Chairman that, once the process of restructuring the Centre for Human Rights was completed, an information document would be circulated to facilitate contacts with the Committee.

53. He fully agreed with Mr. de Gouttes' views on the need for closer links between the Committee and those organizations and bodies, including regional bodies, which dealt with similar issues. The Programme of Action for the Third Decade furnished a precise framework for such links. The Committee could also usefully contribute to other non-Decade activities in cooperation with the various regional commissions and organizations. One example was the planning and organization of activities to mark International Day for the Elimination of Racial Discrimination on 21 March, which the Commission on Human Rights had included in its own agenda. All input from the Committee on ways of alerting public opinion to racism would be welcomed. A number of proposals, including some from NGOs, for events, such as concerts, to mark the Day had already been examined and he himself was actively engaged in promoting such activities. Regarding Mr. de Gouttes' proposal about expert missions, he would do all he could, funds permitting, to facilitate such contacts.

54. The proposal to set up an analytical unit, which would collect, process and distribute information on the work of the treaty bodies, was under active consideration in the context of the restructuring process under way.
The second matter raised by Mr. Garvalov, namely cooperation with other United Nations bodies dealing with human rights, including the policy-making bodies, was the subject of ongoing consultations between the Secretary-General and the High Commissioner for Human Rights. Although the Security Council had long been reluctant to concern itself with human rights issues, the conflict in the former Yugoslavia had helped to make it more sensitive to certain massive human rights violations. Some evolution, though not a revolution, might be expected in the Security Council's thinking.

55. He welcomed Mr. Wolfrum's proposal concerning an exchange of information with the Advisory Services, Technical Assistance and Information Branch. The Committee's previous observations in that regard had been taken into account, and the International Instruments Branch was now required to report annually on requests for technical assistance by States parties. Regarding information on Rwanda or other countries, consideration could be given to drawing more extensively on expertise within the Committee, subject to the submission of specific requests by the States parties concerned. An example of possible cooperation between human rights bodies might be for the Committee to approach the Commission on Human Rights with a request for a study on discriminatory messages conveyed by school textbooks, for which there was a precedent in the review of all textbooks in Tunisia following a study carried out by a former Minister of Education of that country.

56. The CHAIRMAN said he wished to make it clear that, although he had referred to the vastly expanded workload to be shouldered by the Committee in the space of only two three-week sessions, the Committee had never asked for an extension of sessional time, nor even considered doing so.

57. Mr. DIACONU said that the Committee's involvement in the seminars to be held within the framework of the Third Decade would be particularly useful in view of the expertise it had built up over the years in dealing with country reports, which gave it a unique insight into issues of common concern that arose in countries on the same continent. Preparations for the seminars should begin as soon as possible. Members of the Committee could also be usefully involved in helping States to consolidate systems based on human rights in post-conflict situations, for instance by participating in multidisciplinary missions to such States. In order to keep costs down, some members could perhaps be detached from their duties for a few days during Committee sessions to join with members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities or other bodies for that purpose.

58. Mr. de GOUTTES pointed out that members of the Committee had in the past assisted countries in preparing their reports or implementing the provisions of the Convention and he wondered whether members could propose themselves for such tasks in the current depressing financial climate.

59. Mr. YUTZIS believed that there was no financial crisis as such. The real crisis lay in the way in which available funds were used and in the failure of political will on the part of both individual States and the international community as a whole.

60. He welcomed the Assistant Secretary-General's support for the Committee's moves to delve more deeply into various international situations, such as those in Burundi and Rwanda, and to give closer consideration to the effect of the Dayton Accords on the situation in Bosnia and Herzegovina; such action, if not unprecedented was unusual for human rights bodies. The Committee would obviously need more logistical support for those tasks, including a larger staff and fuller translation and interpretation services.

61. Mr. FALL (Assistant Secretary-General for Human Rights) said that he would consider Mr. Diaconu's suggestion concerning field missions by members of the Committee during Committee sessions, which might well be feasible. He was very open to Mr. de Gouttes' suggestion that members of the Committee should assist countries in preparing their national reports. Indeed, the Centre for Human Rights had made use of members' expertise in the past and hoped to do so in the future. He welcomed Mr. Yutzis' remarks, but could not comment on them.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

62. Mr. de GOUTTES said that the High Commissioner for Human Rights, at a private meeting the previous day, had stressed the importance he attached to strengthening his links with the Committee, in spite of the financial crisis. The High Commissioner had fully supported the idea of increasing exchanges of information and cooperation, and looked forward to holding more frequent meetings with the Committee. They had also discussed ways of ensuring

follow-up to the Committee's emergency action proposals. Lastly, they had considered how best the Committee could coordinate with other United Nations bodies concerned with racial discrimination.

63. Mr. AYALA LASSO (High Commissioner for Human Rights) confirmed his determination to ensure that the Committee's work did not suffer in spite of budgetary constraints. Indeed, his aim was to create a new, modern centre for human rights that would dynamically and efficiently implement the Vienna Declaration and Programme of Action, as well as decisions taken by the General Assembly, the Economic and Social Council and all other relevant human rights bodies. He was particularly anxious to encourage horizontal cooperation between the Committee and parallel regional bodies, such as those of the Council of Europe.

64. The United Nations contribution to the situation in the former Yugoslavia had been severely criticized, somewhat unfairly, and the Organization had therefore not insisted on any further role. At the International Conference on the Former Yugoslavia, held in London, he had offered to make his staff available for the training of human rights monitors on behalf of such organizations as the Council of Europe and the Organization for Security and Cooperation in Europe, as well as for training police forces and helping special rapporteurs to deal with the problem of enforced disappearance. That offer had been accepted, and subsequently confirmed by the Security Council. His activities were therefore limited to two or three areas of human rights. They were proceeding, despite the budgetary restrictions; but they were dependent on financial assistance from States.

65. With regard to Rwanda, he said that, although the initial response to the emergency had been rather disjointed, 100 people were currently in place, undertaking a wide range of tasks. Their work included non-traditional technical assistance, the re-establishment of the judicial system, confidence-building measures to smooth the return of refugees, and cooperation with special rapporteurs and international courts. The situation was evolving rapidly. A year earlier the country had been in ruins, but it had changed almost beyond recognition. The Government sometimes adopted a stance which made his work difficult, but Rwanda's position had to be respected and its relations with his Office remained good.

66. Much remained to be done. Elsewhere, however, notable results had been achieved. Malawi, for example, had been given assistance with reforming its Constitution, following the referendum in 1994. In such matters, the Committee's expertise was badly needed and he would seek the Committee's cooperation in various aspects of his programme.

67. He stressed that the financial crisis was all too real. His budget had been restricted, but he had been asked not to allow the cuts to affect ongoing programmes. That was a contradiction in terms; some programmes would inevitably be affected, and if on occasion he was unable to go along with the Committee's suggestions, that would be the reason why.

68. Mr. van BOVEN welcomed the High Commissioner's remarks about coordination with other human rights bodies and his offer of help in that regard. One advantage that the Committee enjoyed was its face-to-face contacts with

States. The fact that it was bound by the Convention was both a strength and a weakness. The Committee was eager to contribute to improving the situation in Bosnia and Herzegovina, in Rwanda and Burundi and also in Kosovo. How precisely it would contribute depended partly on Governments' wishes, partly on the funds available, but it had expertise to offer in a number of areas.

69. Mr. WOLFRUM said that the Committee had decided to set up a small voluntary working group on Burundi and Rwanda in the hope of influencing the framework for a new Constitution. If the High Commissioner agreed, the Committee would channel its ideas through him.

70. The CHAIRMAN, speaking as a member of the Committee, pointed out that such a task could not be carried out quickly and required dialogue. He hoped that the working group would discuss its thoughts with the High Commissioner rather than simply informing him of its decisions.

71. Mr. AYALA LASSO (High Commissioner for Human Rights) reiterated that he would be glad to share all the information available to him and would work closely with the working group. He would inform it of the results of a meeting on Rwanda and Burundi to be held at the end of the month.

72. Mr. de GOUTTES said that, as soon as the Committee had drafted its decisions on the former Yugoslavia and on Rwanda, it would transmit them to the High Commissioner.

73. The CHAIRMAN said that morale in the Committee was high; its aspirations stretched to all corners of the world. The limitations placed on it, however, in terms of both time and money, were growing very tight.

The meeting rose at 6.05 p.m.